

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STANSELL et al.,	:	
	:	
Plaintiffs,	:	
	:	16 Misc. 405 (LGS)
-against-	:	
	:	<u>ORDER</u>
REVOLUTIONARY ARMED FORCES OF	:	
COLOMBIA (FARC) et al.,	:	
	:	
Defendants.	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 2, 2021, the Garnishees filed a pre-motion letter requesting to address the procedure and schedule to which the parties should adhere to in connection with the Garnishees' requests for interpleader relief (Dkt. No. 167), and on February 2, 2021, Plaintiffs filed a responsive letter (Dkt. No. 168).

WHEREAS, on February 4, 2021, Antonio Caballero filed a letter requesting extension of his deadline to file a motion to intervene to March 8, 2021, to enable Mr. Caballero to confirm whether intervention has been mooted by the Garnishees' requests for interpleader relief. Dkt. No. 171.

WHEREAS, Plaintiffs have filed six motions for entry of final turnover orders directed to three Garnishees -- Sumitomo Mitsui Banking Corp. (Dkt. Nos. 121, 145, and 147); Equiniti Trust Company (Dkt. No. 138); and Citibank (Dkt. Nos. 141 and 143) (the "Motions for Turnover").

WHEREAS, on February 23, 2021, the Garnishees filed a joint letter requesting that the following cases be assigned to the same judge: (1) *Stansell v. Revolutionary Armed Forces of Colombia* ("FARC"), No. 16 Misc. 00405 (S.D.N.Y.); (2) *Pescatore v. Juvenal Ovidio Ricardo Palmera Pineda*, No. 18 Misc. 00545 (S.D.N.Y.); and (3) *Caballero v. FARC*, No. 20 Misc.

00249 (S.D.N.Y.). Dkt. No. 185.

WHEREAS, pursuant to the Court's February 24, 2021, Order (Dkt. No. 186), the parties filed letters identifying the agencies and instrumentalities and/or alleged agencies and instrumentalities at issue in each of the three above listed cases. Dkt. Nos. 190, 192-93.

WHEREAS, on February 25, 2021, the parties jointly filed a status letter (Dkt. No. 187) and on February 26, 2021, Mr. Caballero filed a letter stating that he was excluded from the finalization of the status letter (Dkt. No. 188).

WHEREAS, a status conference is scheduled for March 18, 2021. Dkt. No. 189.  
It is hereby

**ORDERED** that the Garnishees' application at Docket No. 185 is **GRANTED in part**. The Court accepts (1) *Stansell v. Revolutionary Armed Forces of Colombia ("FARC")*, No. 16 Misc. 00405 (S.D.N.Y.) and (2) *Pescatore v. Juvenal Ovidio Ricardo Palmera Pineda*, No. 18 Misc. 00545 (S.D.N.Y.), as related actions because both cases involve attachments to the same accounts held by the same agencies and instrumentalities of FARC and are in a similar procedural posture. The Court declines to accept *Caballero v. FARC*, No. 20 Misc. 00249 (S.D.N.Y.) as a related case because it is in a different procedural posture and involves different factual issues and parties, as there is not complete overlap as to the alleged agencies and instrumentalities of FARC and related accounts at issue in that case. It is further

**ORDERED** that the March 18, 2021, status conference is **CANCELLED**. It is further

**ORDERED** that, the Garnishees shall seek interpleader relief by filing third party complaints in the nature of interpleader, pursuant to Federal Rules of Civil Procedure 14 and 22. This order shall supersede the Court's Order at Docket No. 160. It is further

**ORDERED** that, by **March 23, 2021**, the parties shall jointly file a letter (1) identifying

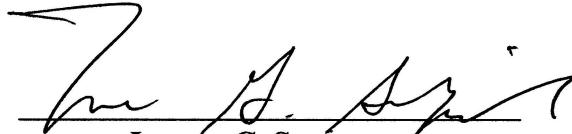
any anticipated motions for entry of final turnover orders and proposing a schedule for the briefing of such motions, including the filing of interpleader relief and (2) proposing deadlines for the Garnishees to respond to the Motions for Turnover through the filing of interpleader relief.

The parties shall seek and account for input from Mr. Caballero. It is further

**ORDERED** that, Mr. Caballero's request for an extension of the deadline to file his motion to intervene (Dkt. No. 171) is **GRANTED**. A new deadline will be set following receipt of the parties' March 23, 2021, letter.

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 6, 11, 97, 167 and 171.

Dated: March 16, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**